

REMARKS/ARGUMENTS

By this Amendment Claims 1, 17, 18 and 19 have been amended. Claims 1-5 and 7-19 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 2, 5, 7, 8, 9, 11, 15, 17, 18 and 19 stand rejected under 35 USC §103 as being obvious over U.S. Patent No. 3,002,308 (Decamp) in view of U.S. Patent No. 3,793,126 (McAdams).

One of the most significant features of the subject invention is that it provides an artificial ornament which resembles plant or fungus-like and “which has a more *realistic action* than those previously proposed.” (See Page 2, line 10 of the subject specification). This “realistic action” is achieved by using a flexible connection means that has resilient qualities, e.g., in one exemplary embodiment comprises a spring. While that exemplary embodiment is a preferable one, any other resilient biasing means is envisioned, such as a rubber tube. Support for this arrangement can be found in the Specification on page 3, lines 1 - 5.

There is no teaching in the prior art of record of the use of resiliently flexible connection means. With respect to the Decamp reference, it is clear beyond peradventure that connection means in the are the antithesis of resilient flexible connectors. In particular, the Decamp reference makes use of a threaded bore 8 into which a conventional screw 32 is inserted to hold the associated components, e.g., flower petals and stalk, together. In fact, the Office Action acknowledges that fact by stating “. . . Decamp does not specifically teach that the stems or additional components of the artificial plant are flexible.” To make up for this deficiency of the Decamp reference, the Office Action asserts that such a feature would be obvious in view of the patent to McAdams. Such reliance is misplaced. In particular, McAdams discloses flexible stems made of wire and coated with plastic. Such bendable components, are provided so that a structure, e.g., a bouquet constructed in accordance with the McAdams teachings, can be bent “so that the position or arrangement of the auxiliary stem portions . . . can be altered to provide the precise geometric pattern desired.” (See Col. 6, lines 30 - 36). In other words this patent teaches plastic

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deformation as opposed to resilient deformation. As such the teachings of McAdams are wholly inadequate for make up for the deficiencies of the Decamp patent. In short, even if one were to take the teachings of McAdams to modify the structure of Decamp to result in an artificial ornament representing a plant or fungus, that ornament would provide the realistic action of the subject invention, since the connection means of those combined references would not be resiliently flexible.

To make the subject invention's distinction over the cited prior art clearer Claims 1, 17, 18 and 19, all of the independent claims in this application, have been amended to specify that the flexible connection means is resilient. In particular, Claims 1, 17, 18 and 19 have now been amended to call for "resiliently flexible connection means."

Dependent claims 2-5 and 7-19 depend either directly or indirectly upon the amended independent claims. Hence these dependent claims are respectfully submitted as being patentable for reasons similar thereto. Some of the dependent claims have also been amended in the interest of clarity and full compliance with the mandates of 35 U.S.C. §112.

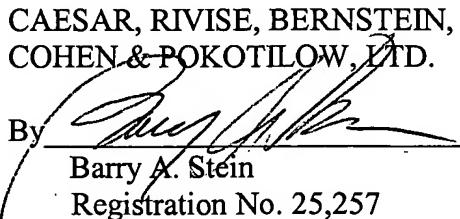
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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